HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 35486 of 1998

Dated 4th April, 2007

Between

Puppala Bhoomaiah and ors

…Petitioners

and

Chief Engineer, Panchayat Raj Department,
Govt. of AP, Swamy Ramananda Thirtha Grameena Nirmal (BVN),
Erramanzil colony, Hyderabad, and ors

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 35486 of 1998

ORDER:

In this Writ Petition, the petitioners, four in number, seek Writ of Mandamus to declare the action of the respondents in interfering with their possession and enjoyment of the land admeasuring Ac.1.29 guntas, 0.20 guntas, 0.06 ½ guntas, 0.11 guntas, 0.05 guntas, Ac.1.18 guntas and 0.22 guntas covered by Sy.Nos. 29,27/A, 30/A,31/A, 31/B,27/B, and 28 respectively, situated in Gollapally village, Karimangar District by trying to lay a road through the said lands as illegal and arbitrary.

It is the case of the petitioners that they are the owners and possessors of the above said lands and to that effect entries were also made in the record of rights. The petitioners also filed copies of

pahanies for the year 1997-98, which show that the petitioners are the owners and possessors of the above said lands. It is their grievance that the respondents 2 and 3 are taking steps to lay a road through their lands without acquiring the land under the provisions of the Land Acquisition Act, 1894.

At the stage of admission, this Court by order dated 22-12-1998 directed the respondents not to lay road through the lands of the petitioners and the said order continued all along.

Though the Writ Petition is of the year 1998, no counter affidavit is filed by the respondents controverting the allegations made by the petitioners.

The petitioners have filed material in proof of their title and possession of the subject lands, and, unless the said lands are notified under the provisions of the Land Acquisition Act, 1894 or consent is obtained from the petitioners, no steps can be taken to dispossess the petitioners from their lands. In that view of the matter, I deem it appropriate to dispose of the Writ Petition by directing the respondents not to deprive the land of the petitioners otherwise than by due process of law. However, It is made clear that this order will not preclude the respondents to acquire the land of the petitioners for any public purpose under the provisions of the Land Acquisition Act, 1894 or by obtaining consent of the petitioners.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 04-04-2007.
Msnr.